

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34567 of 2007(M)

PETITIONER:

**T.V. VARGHESE,
THATTAKKATTU KAYALACKAL, OCHARA EAST P.O.,
THIRUVALLA.**

BY ADV. SRI.SIBY MATHEW

RESPONDENT:

**DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR WORKERS' WELFARE FUND BOARD,
PATHANAMTHITTA-689645.**

BY ADV. SRI. K. HARILAL, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC, J.

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W.P.(C) NO. 34567 OF 2007 M
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Dated this the 22nd day of November, 2007

J U D G M E N T

Proceedings were initiated against the petitioner under the Kerala Motor Transport Workers Welfare Fund Act. Even after receipt of the final determination order, petitioner did not file any appeal or other proceedings and now recovery steps have been initiated. At that stage petitioner submitted Ext.P3 representation requesting for re-opening of the matter. Since the proceedings have already attained finality and as there is no provision for the relief that is now sought for by the petitioner, I am not persuaded to grant the prayer made for re-opening the case.

2. Irrespective of that, I am inclined to dispose of this case directing that the petitioner shall pay the dues in instalments, so that coercive action could be avoided.

3. Accordingly, I dispose of this writ petition permitting the petitioner to pay the amount, that is found to be due as per Ext.P1, in 10 equal monthly instalments commencing from 1st of

January 2008 and the subsequent instalments payable on the 1st of every succeeding month. Needless to say that if default is committed, respondents will be entitled to proceed without any further notice.

ANTONY DOMINIC, JUDGE

Rp/-